

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TEAMSTERS LOCAL UNION NO. 727)	
HEALTH AND WELFARE FUND,)	
TEAMSTERS LOCAL UNION NO. 727)	
PENSION FUND and TEAMSTERS)	1:13-CV-6990
LOCAL UNION NO. 727 LEGAL AND)	
EDUCATIONAL ASSISTANCE FUND,)	Judge Gettleman
)	
Plaintiffs,)	Magistrate Judge Martin
v.)	
)	
BEDNARCZYK FUNERAL SERVICE, INC.,)	
an Illinois Corporation,)	
)	
Defendant.)	

MOTION FOR JUDGMENT

Now come the Plaintiffs, TEAMSTERS LOCAL UNION NO. 727 HEALTH AND WELFARE FUND, TEAMSTERS LOCAL UNION NO. 727 PENSION FUND and TEAMSTERS LOCAL UNION NO. 727 LEGAL AND EDUCATIONAL ASSISTANCE FUND, by and through their Attorney, Robert B. Greenberg, and move this honorable Court to enter judgment on behalf of the Plaintiffs and against the Defendant, Bednarczyk Funeral Service, Inc., on the grounds that the Defendant failed to comply with its obligation to provide its books and records for audit by the Funds' auditors. In support of its Motion, Plaintiffs state as follows:

- 1) The Defendant, Bednarczyk Funeral Service, Inc., was requested to produce

books and records for purpose of an audit by the Funds' auditors.

2) Counsel for the Fund subsequently wrote Bednarczyk Funeral Service, Inc., and requested that the Company comply with Auditors' request for production of books and records for purpose of audit.

3) After there was no response to the Auditors' letters or Attorney's letter, legal action was filed by Plaintiffs' Attorney, Robert B. Greenberg, seeking to compel an audit of the Defendant's books and records. See Complaint attached hereto as Exhibit "A."

4) That Defendant was served with summons, and failed to file an appearance or answer in response thereto.

5) That Plaintiffs' Attorney filed a Motion for Default Judgment, and on November 14, 2013, the Court entered an Order of Default, a copy of which is attached hereto as Exhibit "B."

6) Only after issuance of an Order for Rule to Show Cause, a copy of which is attached hereto as Exhibit "C," did the Defendant then comply with the Court's Order to produce its records for audit.

7) As a result of Defendant's failure to comply with the provisions of Section 6.3 of the Trust Agreements of the Health and Welfare and Pension and Legal and Educational Funds, did the Defendant comply with the requirements of its obligations pursuant to collective bargaining agreement and the Trust Funds' inclusion therein. See Exhibit "D," attached hereto.

8) As a result of Defendant's failure to comply with its obligations and to

produce the books and records required for audit, the Plaintiffs sustained substantial costs and attorneys' fees, for which reimbursement is claimed due and owing, pursuant to the ERISA statutes.

WHEREFORE, Plaintiffs request:

1) That judgment enter in its favor and against the Defendant, Bednarczyk Funeral Service, Inc., in the amount of \$3,836.20, as and for recovery of court costs and attorneys' fees.

2) That Plaintiffs' Attorney's Affidavit is attached hereto as Exhibit "E," in support of Plaintiffs' Motion for attorneys' fees and recovery of court costs.

/s/ Robert B. Greenberg
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